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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,898	02/02/2000	Rod Stambaugh	032397-009	5435

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EXAMINER
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SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/495,898

Applicant(s)

STAMBAUGH, ROD

Examiner

Cristina O Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 5,9,11,13 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,10,12,14-24 and 26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to Applicant's Amendment received 30 March 2003. Claims 5, 9, 11, 13 and 25 have been canceled. Claims 1, 2, 4, 6, 8, 10, 12, 14, 15, 17-22, 24, and 26 have been amended. New claims 27-35 have been added. Claims 1-4, 6-8, 10, 12, 14-24, and 26-35 are pending in this case.

### ***Response to Arguments***

2. Applicant's arguments, see Applicant's Amendment, received 30 March 2003, with respect to proper language and form for an abstract of the disclosure have been fully considered and are persuasive in light of newly amended abstract. The objection to the abstract has been withdrawn.

3. Applicant's arguments, see Applicant's Amendment, received 30 March 2003, with respect to rejection of claims 8-10, 14-16, and 17-26 under 35 USC § 112, second paragraph have been fully considered and are persuasive in light of amendments made to 8, 10, 14, 15, 17-24, and 26. The objection has been withdrawn.

4. Applicant's arguments with respect to claim rejections under 35 USC § 102 have been considered, but are unpersuasive. Examiner respectfully directs Applicant's attention to Pare, col 23, lines 16-17, col 58, line 26-30, col 14, lines 6-9, col 37, line 15, col 42, lines 6-14.

5. Applicant's arguments with respect to claim rejections 35 USC § 103 have been considered but are unpersuasive. Examiner respectfully directs Applicant's attention to Katseff col 1, lines 8-13, col2 lines 19-56, and col. 6.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 12 and 14-21, 27-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Pare, Jr. et al (Hereinafter, Pare US 5,870,723).

8. Regarding claims 1, 2, 17, 18, 27 and 28 -

Pare discloses a method of transaction processing, comprising: a user bringing a record-bearing medium (e.g., col. 23, lines 16-27, smart card) in operational proximity to a transaction terminal (e.g., RPT) to allow the transaction terminal to receive information from the record-bearing medium; the transaction terminal accessing a communications network and sending first transaction information across the communications network (e.g., col. 58, line 26, RPT-DPC); receiving and processing the first transaction information at a server (e.g., col. 58, lines 27-28, DPC); and the server (e.g., DPC) sending second transaction information to a further destination (e.g., col. 58, lines 29-30). Pare further discloses a transaction processing network, comprising multiple transaction terminals wherein a user bringing a record bearing medium in operational proximity to a transaction terminal to allow the transaction terminal to receive information from the record-bearing medium; a server; a first network segment linking multiple transaction terminals to the server; and a second network segment linking the

server to multiple further destinations (e.g., FIG. 1), wherein at least one of the further destinations is a transaction processor installation (e.g., "Credit/Debit Issuer").

9. Regarding claims 3 and 19 -

Pare discloses that the transaction terminal wirelessly accesses the communications network (e.g., col. 14, lines 6-9).

10. Regarding claims 4 and 20 -

Pare discloses that the transaction terminal includes an output device, and the server controls presentation of information to a user through the output device (col. 58, line 30 Pare discloses "DPC-RPT <Transaction Response Message>". Thus, RPT inherently would have an output device to show the message to the user).

11. Regarding claim 21 -

Pare discloses the use of LCD as in the method of Claim 4, wherein the output device is a display.

12. Regarding claims 12-13 -

Pare discloses that the server captures and stores transaction information in real time (e.g., col. 37, line 15) and customers are provided with secure access to their respective transaction information via a Web browser (e.g., col. 42, lines 6-14).

13. Regarding claims 14, 16 and 29 -

Pare discloses that a customer communicating via the Web to the server a desired action with respect to a transaction terminal, the server communicating with one of a wireless network and a transaction terminal to carry out the desired action, which is terminal activation/deactivation or terminal diagnostics (e.g., col. 42, lines 6-14).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6-8, 10, 22-24, 26 and 30 - 35 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Pare in view of Katseff et al. (Katseff hereinafter: US PAT. 6,075,796).

16. Regarding claims 6-8, 10, 22-24, 26 and 30-35 – Pare does not explicitly disclose that (a) the first transaction information is transported using a first protocol/format and the second transaction information is transported using a second different protocol/format, wherein the first protocol has lower overhead than the second protocol or the first format is more compact than the second format, (b) the server reformats the transaction information from the first format to the second format, and (c) the server stores locally information about various transaction terminals and uses this information to reformat the transaction information from the first format to the second format. However, Katseff teaches the use of these features "to minimize latency and to improve efficiency and quality of packet transmission in applications including Internet telephony." (e.g., col. 1, lines 8-13; col. 2, lines 19-56; and col. 6) Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Pare by adopting the teaching of Katseff "to minimize latency and to improve efficiency and quality of packet transmission" for the claimed method.

**Conclusion**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
18. Reber et al. (US PAT. 5,903,767) disclose transaction methods, system, and devices using a first and second data.
19. Kolling et al (US PAT. 5,920,847) discloses electronic bill payment system using PC, telephone keypad, screen telephone or PDA.
20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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May 29, 2003



JAMES P. TRAMMELL  
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